

**THURSDAY, MARCH 18, 2010**

**SEVENTIETH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Ramsey.

**PRAYER**

The proceedings were opened with prayer by Father Joseph Breen of St. Edward Catholic Church in Nashville, Tennessee, a guest of Senator Henry.

**PLEDGE OF ALLEGIANCE**

Senator Henry led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 32

Senators present were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

**STANDING COMMITTEE REPORTS**

**STATE AND LOCAL GOVERNMENT**

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2580 with amendment, 2581, 2608 with amendment, 2945, 3013, 3161 with amendment, 3191 with amendment, 3204 with amendment, 3339, 3683, 3684, 3848, 3857 with amendments and 3894 with amendment; Senate Joint Resolutions Nos. 831, 836 and 850; and House Joint Resolutions Nos. 861 and 870; also, recommend that Senate Bills Nos. 2507, 2508 with amendment, 2547, 2688, 2702, 2772, 2785 with amendment, 2811 with amendment, 3480 with amendment, 3513 with amendment, 3650 with amendment, 3685, 3688 and 3873 be referred to Committee on Finance, Ways and Means.

FINNEY, Chairperson  
March 17, 2010

The Speaker announced that he had referred Senate Bills Nos. 2580 with amendment, 2581, 2608 with amendment, 2945, 3013, 3161 with amendment, 3191 with amendment, 3204 with amendment, 3339, 3683, 3684, 3848, 3857 with amendments and 3894 with amendment; Senate Joint Resolutions Nos. 831, 836 and 850; and House Joint Resolutions Nos. 861 and 870 to the Committee on Calendar.

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The Speaker announced that he had referred Senate Bills Nos. 2507, 2508 with amendment, 2547, 2688, 2702, 2772, 2785 with amendment, 2811 with amendment, 3480 with amendment, 3513 with amendment, 3650 with amendment, 3685, 3688 and 3873 to the Committee on Finance, Ways and Means.

### **EDUCATION**

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 3022, 3124 and 3397; also, recommend that Senate Bill No. 942 with amendment be referred to Committee on Finance, Ways and Means.

GRESHAM, Chairperson  
March 17, 2010

The Speaker announced that he had referred Senate Bills Nos. 3022, 3124 and 3397 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 942 with amendment to the Committee on Finance, Ways and Means.

### **GOVERNMENT OPERATIONS**

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2468, 2469, 2474 with amendment, 2488, 2951 with amendment and 2955; also, recommend that Senate Bill No. 2701 with amendment be referred to Committee on Judiciary; Senate Bill No. 3514 with amendment be referred to Committee on General Welfare, Health and Human Resources; and Senate Bill No. 3847 with amendment be referred to Committee on State and Local Government.

WATSON, Chairperson  
March 17, 2010

The Speaker announced that he had referred Senate Bills Nos. 2468, 2469, 2474 with amendment, 2488, 2951 with amendment and 2955 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2701 with amendment to the Committee on Judiciary.

The Speaker announced that he had referred Senate Bill No. 3514 with amendment to the Committee on General Welfare, Health and Human Resources.

The Speaker announced that he had referred Senate Bill No. 3847 with amendment to the Committee on State and Local Government.

### **GENERAL WELFARE, HEALTH AND HUMAN RESOURCES**

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1790 with amendment, 2297 with amendment, 2743, 2903 with amendment, 3087 with amendment,

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3154 with amendment, 3225, 3338, 3408 and 3866 with amendment; and Senate Joint Resolution No. 56; also, recommend that Senate Bill No. 3865 with amendment be referred to Committee on Government Operations.

CROWE, Chairperson  
March 17, 2010

The Speaker announced that he had referred Senate Bills Nos. 1790 with amendment, 2297 with amendment, 2743, 2903 with amendment, 3087 with amendment, 3154 with amendment, 3225, 3338, 3408 and 3866 with amendment; and Senate Joint Resolution No. 56 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 3865 with amendment to the Committee on Government Operations.

### MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 877 through 879** be passed on first consideration and lie over, which motion prevailed.

### INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 877** by Senator Southerland.  
Memorials, Death -- Thomas H. Hensley.

**Senate Joint Resolution No. 878** by Senator Southerland.  
Memorials, Recognition -- Cocke County NJROTC.

**Senate Joint Resolution No. 879** by Senator Burks.  
Memorials, Recognition -- Dan Schlafer.

### MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 871 through 876** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

### RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

**Senate Joint Resolution No. 871** -- Memorials, Recognition -- Hendersonville VFW's Welcome Home Vietnam Veterans Day.

The Speaker announced that he had referred Senate Joint Resolution No. 871 to the Committee on Calendar.

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**Senate Joint Resolution No. 872** -- Memorials, Recognition -- Ossoli Circle, 125th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 872 to the Committee on Calendar.

**Senate Joint Resolution No. 873** -- Memorials, Sports -- St. George's Independent School, boys' basketball state championship.

The Speaker announced that he had referred Senate Joint Resolution No. 873 to the Committee on Calendar.

**Senate Joint Resolution No. 874** -- Memorials, Recognition -- Dr. Joel Cunningham.

The Speaker announced that he had referred Senate Joint Resolution No. 874 to the Committee on Calendar.

**Senate Joint Resolution No. 875** -- Naming and Designating -- Tennessee Department of Labor and Workforce Development building in Nashville, "Governor Phil Bredesen Building".

The Speaker announced that he had referred Senate Joint Resolution No. 875 to the Committee on State and Local Government.

**Senate Joint Resolution No. 876** -- Memorials, Recognition -- Russell D. Jamerson.

The Speaker announced that he had referred Senate Joint Resolution No. 876 to the Committee on Calendar.

**CONSENT CALENDAR NO. 1**

**Senate Joint Resolution No. 863** -- Memorials, Recognition -- Joe Sexton.

**Senate Joint Resolution No. 864** -- Memorials, Recognition -- Bo Miles.

**House Joint Resolution No. 886** -- Memorials, Personal Occasion -- William and Alva Lee, 50th wedding anniversary.

**House Joint Resolution No. 887** -- Memorials, Professional Achievement -- James and Scottie Robertson, 2009 Master Loggers of the Year.

**House Joint Resolution No. 888** -- Memorials, Recognition -- Sharon Keen, 2009 Outstanding Tree Farmer of the Year.

**House Joint Resolution No. 889** -- Memorials, Recognition -- Volunteer Energy Cooperative, 75th anniversary.

**House Joint Resolution No. 891** -- Memorials, Retirement -- Ronald Lester Sharpe.

**House Joint Resolution No. 892** -- Memorials, Recognition -- Dr. Karen Bowyer, President of Dyersburg State Community College, 25 years.

**House Joint Resolution No. 893** -- Memorials, Death -- Clayton T. Davenport.

**House Joint Resolution No. 894** -- Memorials, Recognition -- Little Debbie Snack Cakes, 50th anniversary.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes .....	29
Noes .....	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Watson, Woodson and Mr. Speaker Ramsey --29.

A motion to reconsider was tabled.

### **CONSENT CALENDAR NO. 2**

Objections having been raised, the following resolution was placed at the heel of the calendar for Monday, March 22, 2010, pursuant to Rule 38: **House Joint Resolution No. 752.**

**Senate Bill No. 2493** -- Taxes, Real Property -- As introduced, defines "lawful charges" by a purchaser of property sold for taxes to include reasonable payments for maintenance and insurance for purposes of determining amount to be paid to redeem the property. Amends TCA Title 67, Chapter 5.

Senator Overbey declared Rule 13 on **Senate Bill No. 2493.**

**Senate Bill No. 2550** -- Coal -- As introduced, requires 60 days advance written notice to members of general assembly before a coal ash disposal permit is issued for a facility in their district. Amends TCA Title 4, Chapter 3, Part 5; Section 55-4-124; Title 62, Chapter 2; Title 68 and Title 69.

**Senate Bill No. 3474** -- Budget Procedures -- As introduced, adds office of legislative budget analysis as recipient of various information and reports. Amends TCA Title 3, Chapter 15, Part 5; Title 4; Title 7, Chapter 86, Part 1; Title 8, Chapter 36, Part 7; Title 9; Title 29, Chapter 37, Part 1; Title 37, Chapter 3, Part 1; Title 50, Chapter 7, Part 4; Title 64; Title 67; Title 68 and Title 71.

**Senate Bill No. 3871** -- Motor Vehicles -- As introduced, revises provisions governing the maximum weight per axle or group of axles allowed on public highways. Amends TCA Section 55-7-203.

Senator Faulk moved that all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	30
Noes .....	0

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Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**CALENDAR**

**Senate Joint Resolution No. 763** -- Constitutional Amendments -- Proposes an amendment to clarify the constitutional language that currently prohibits the levying of a tax on any class of income, other than income derived from stocks and bonds, and to prohibit any tax levied on or measured by employer payrolls.

Senator Kelsey moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting from the first resolving clause the following language:

The Legislature shall not levy any tax upon personal income or any tax measured by personal income, except that the Legislature may levy a tax upon incomes derived from stocks and bonds that are not taxed ad valorem. The Legislature shall not levy any tax upon payroll or any tax measured by payroll.

and by substituting instead the following:

Notwithstanding any authority set forth in this paragraph or elsewhere in this Constitution, the Legislature shall not levy any tax upon personal income or any tax measured by personal income, except that the Legislature may levy a tax upon incomes derived from stocks and bonds that are not taxed ad valorem. Notwithstanding any authority set forth in this paragraph or elsewhere in this Constitution, the Legislature shall not levy any tax upon payroll or any tax measured by payroll, except nothing contained herein shall be construed as prohibiting any such tax in effect on January 1, 2010, or adjustment of such tax.

On motion, Amendment No. 1 was adopted.

Senator Kelsey moved that the Clerk read the resolution, which motion prevailed.

The Clerk read the resolution.

Thereupon, Mr. Speaker Ramsey declared pursuant to Article XI, Section 3, **Senate Joint Resolution No. 763**, as amended, had been read.

**Senate Bill No. 2180** -- Solid Waste Disposal -- As introduced, requires the Department of Environment and Conservation to either work with Middle Tennessee State University and Tennessee State University in the study of solid waste management and fund such study or account for all unused funds within the department's budget. Amends TCA Title 68, Chapter 211.

On motion, Senate Bill No. 2180 was made to conform with **House Bill No. 2216**.

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On motion, House Bill No. 2216, on same subject, was substituted for Senate Bill No. 2180.

On motion of Senator Southerland, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2216** passed its third and final consideration by the following vote:

Ayes . . . . .	30
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 2894** -- Special License Plates -- As introduced, authorizes issuance of new specialty earmarked license plates for Oak Ridge Revitalization Effort (ORRE); allocates 50 percent of funds derived from sale thereof to ORRE to restore Alexander Inn. Amends TCA Title 55, Chapter 4.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the language "University" in its entirety in the first sentence of amendatory subsection (c) in Section 2.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2894**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	31
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 2923** -- Tobacco Master Settlement Agreement -- As introduced, authorizes attorney general to disclose to cigarette manufacturers information concerning number of cigarettes sold with manufacturer's tax stamp affixed. Amends TCA Title 67, Chapter 4.

On motion, Senate Bill No. 2923 was made to conform with **House Bill No. 3033**.

On motion, House Bill No. 3033, on same subject, was substituted for Senate Bill No. 2923.

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On motion of Senator McNally, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3033** passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 2975** -- Regional Authorities and Special Districts -- As introduced, specifies method of determining the rate of interest on Build America Bonds issued by convention center authorities. Amends TCA Title 7, Chapter 89 and Title 47, Chapter 14.

Senator Finney moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by adding the following language at the end of subsection (m) in the amendatory language of Section 1 of the bill:

This subsection shall apply to any bonds issued by the authority on or before June 30, 2012.

On motion, Amendment No. 1 was adopted.

Senator Harper moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting the following language:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

WHEREAS, the Federal government of the United States of America enacted the American Recovery and Reinvestment Act of 2009 ("ARRA"), on February 17, 2009, in an effort to stimulate the national economy in the wake of a severe economic crisis; and

and substituting instead the following language:

WHEREAS, the Federal government of the United States of America enacted the American Recovery and Reinvestment Act of 2009 ("ARRA"), on February 17, 2009, in an effort to stimulate the national economy in the wake of a severe economic crisis; and

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 2975**, as amended, passed its third and final consideration by the following vote:



Ayes ..... 30  
Noes ..... 0

Senators voting aye were: Barnes, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 3666** -- Environment and Conservation, Dept. of -- As introduced, deletes requirement that the department maintain a master plan for state parks. Amends TCA Title 11, Chapter 3, Part 1.

Senator Southerland moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 1 of the bill in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 11-3-120, is amended by deleting the section in its entirety and by substituting instead the following:

Section 11-3-120.

(a) The Department of Environment and Conservation is hereby directed to formulate a long-range plan, hereinafter referred to as a "management plan" for each state park. Each such management plan shall include the following:

- (1) Funding requirements for state parks and an analysis of whether the revenue-generating facilities on the park are self-sustaining;
- (2) Facilities preservation, maintenance and utilization;
- (3) Management and personnel staffing, training, compensation and professional development;
- (4) Preservation, development and expansion of existing and new park resources and facilities;
- (5) Educational programming; and
- (6) Land acquisition.

(b) Each management plan shall include goals and projections for state parks for the next ten (10) years and shall be updated every five (5) years by the department. Each management plan shall be posted on the department's Web site. Prior to updating each management plan, the department shall conduct public hearings after public notice has been given in accordance with Title 8, Chapter 44. Public hearings shall be conducted in each park or in the vicinity of each park regarding any update to the management plan. Notice of these public hearings shall be given to any

friends groups or other groups with a particular interest in the particular park. The department shall consider all written and oral comments received in these hearings and shall document its responses to such comments. The department shall submit by March 1 of each year, to the House Conservation and Environment Committee and the Senate Environment, Conservation and Tourism Committee, a report outlining any major deviations from the management plans in the previous year and the reasons therefore.

(c) The department shall not commence construction on any new capital project which costs in excess of one hundred thousand dollars (\$100,000) in any state park if it is not provided for in the park's current management plan and the project has been approved by the State Building Commission. The construction costs for such new capital projects other than those provided for in the management plan shall not be funded until the management plan is appropriately updated.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3666**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	32
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 3671** -- Transportation, Dept. of -- As introduced, authorizes commissioner to develop guidelines for municipal tourism/wayfinding informational signage programs in Davidson County. Amends TCA Title 4, Chapter 3.

Senator Tracy moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-3-2307, is amended by designating the existing language as subsection (a) and by adding the following language to be designated as subsection (b):

(b) The Commissioner of Transportation is authorized to develop guidelines for municipal tourism/wayfinding informational signage programs within any county having a population in excess of five hundred thousand (500,000) according to the 2000 federal census or any subsequent federal census, which has adopted a metropolitan form of government. Such guidelines may include, but are not limited to, construction, placement and safety standards. The commissioner is urged to consult with interested parties within the county in the development of this program. Such

county may participate in the development of such guidelines; provided that nothing in this section shall be construed as requiring participation or to undertake construction of a municipal tourism/wayfinding information signage program.

SECTION 2. The Department of Transportation is hereby authorized to remove any signs from the federal interstate highway system within any county having a population in excess of five hundred thousand (500,000) according to the 2000 federal census or any subsequent federal census, which has adopted a metropolitan form of government that were installed as a result of acts or resolutions of the Tennessee General Assembly; provided that the entity or facility which is signed agrees in writing that the entity or facility's interstate guide sign and any associated ramp sign may be removed as part of the overall plan for the Wayfinding Program implemented by such county.

SECTION 3. All funds for the Wayfinding Program to which Section 2 applies shall be provided by the metropolitan government of such county.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3671**, as amended, passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 3854** -- Gas, Petroleum Products, Volatile Oils -- As introduced, revises various present law provisions regarding petroleum underground storage tanks. Amends TCA Title 68, Chapter 215, Part 1.

Senator Johnson declared Rule 13 on **Senate Bill No. 3854**.

Senator Southerland moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting Section 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-215-103, is amended by deleting subsection (13) and substituting instead the following:

(13) "Petroleum site" means any site or area where a petroleum underground storage tank is located or where a petroleum underground storage tank was located and the division has determined that there is a need for investigation or remediation

of a release from that tank system, or that the receipt of additional information concerning those petroleum tanks requires the investigation of a suspected release from that tank system or reactivating remediation of a previously closed confirmed release on site.

AND FURTHER AMEND by deleting Section 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 68-215-103(17), is amended by adding the following as subdivision (C) and redesignating the remaining subdivision:

(C) Any person whose actions, whether intentional or negligent, directly cause the release of petroleum at a petroleum site.

AND FURTHER AMEND by deleting Section 6 and substituting instead the following:

SECTION 6. Tennessee Code Annotated, Section 68-215-115, is amended by deleting the section in its entirety and substituting instead the following:

(a) Whenever the commissioner expends money for the investigation, identification, containment or clean-up of a particular site under this part, the commissioner may issue an order to any responsible party to recover the amount expended or to assess that party's apportioned share of all costs expended or to be expended. It is not the intent of the legislature that this section be used to recover reimbursed expenses paid to tank owners pursuant to § 68-215-111 for covered releases at fund-eligible sites. Service of such an order shall be made by either personally serving the responsible party or by certified mail.

(b)(1) In assessing a party's apportioned share, the commissioner may consider equitable factors, including, but not limited to, the following:

(A) Any monetary or other benefit accruing to each responsible party from the release of petroleum at the site;

(B) The culpability of each responsible party in regard to the release of petroleum at the site;

(C) Efforts of each responsible party to remediate the land, water, or other aspects of the site and any other affected property and to cooperate with the department in its work to investigate, contain or clean up the release of petroleum at the site;

(D) Any expenditures required by the provisions of this part made by a responsible party shall be credited toward that party's share of the cost;

(E) The monetary benefit accruing to a property owner as a result of the clean-up of the release if, at the time of acquisition of the site, such owner knew or should have known that a petroleum release had occurred at the site; and

(F) The monetary benefit accruing to an owner as a result of the clean-up of the release if such owner was the owner at the time that a petroleum release had occurred at the site and knew or should have known of such release.

(2) Any person against whom an assessment is issued may secure a review of the propriety or amount of such assessment by filing with the commissioner a written petition setting forth the grounds and reasons for the objection and asking for a hearing before the petroleum underground storage tank board. Any such assessment shall become final and not subject to review unless the person named therein files such a petition within thirty (30) days after it is received.

(3) In no event shall the total monies recovered from the responsible party or parties exceed the total expenditure from the fund for such site, except that the commissioner may assess civil penalties as provided in § 68-215-121.

(4) The fund shall pay any portion of the total expenditure in excess of the aggregate amount of costs or expenditures apportioned pursuant to this section. All monies recovered from the responsible parties pursuant to this section shall be deposited in the fund.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3854**, as amended, passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Resolution No. 200** -- Memorials, Congress -- Urges postponement of Environmental Protection Agency's effort to regulate greenhouse gas emissions from stationary sources using existing Clean Air Act authority.

Senator McNally moved to amend as follows:

#### **AMENDMENT NO. 1**

AMEND by deleting the second and third clauses in the preamble in their entirety and by substituting instead the following language:

WHEREAS, regulating greenhouse gas emissions from stationary sources under the Clean Air Act might be a great anchor on manufacturing and the economy in general; and

WHEREAS, the pending EPA effort might burden progress on two of the nation's top priorities, environmental improvement and economic recovery, by imposing onerous permitting requirements that will significantly delay or even eliminate investments in new energy-efficient technologies; and

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On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Resolution No. 200**, as amended, was adopted by the following vote:

Ayes . . . . .	28
Noes . . . . .	1
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--28.

Senator voting no was: Marrero--1.

Senator present and not voting was: Stewart--1.

A motion to reconsider was tabled.

Senator Southerland moved that **Senate Bill No. 2403** be placed on the Calendar for Monday, March 22, 2010, which motion prevailed.

Senator Watson moved that **Senate Bill No. 2850**, as amended, be referred to Committee on State and Local Government, which motion prevailed.

**Senate Bill No. 3019** -- Safety -- As introduced, requires an electrical inspector inspecting a pool installation to ensure that a pool alarm is also installed before granting final approval. Amends TCA Title 47 and Title 68, Chapter 14.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 14, is amended by adding the following as a new part thereto:

§ 68-14-801. This part shall be known and may be cited as "Katie Beth's Law".

§ 68-14-802.

For purposes of this part, unless the context otherwise requires:

(1) "Pool alarm" means a device which emits a sound of at least fifty (50) decibels when a person or an object weighing fifteen (15) pounds or more enters the water in a swimming pool, but shall not include swimming protection alarm devices designed for individual use, such as an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water;

(2) "Residential dwelling" means a one-family or two-family dwelling structure; and

(3) "Swimming pool" means any structure that is intended for swimming or recreational bathing and contains water over thirty-six inches (36") deep, including, but not limited to, in-ground, above-ground, and on-ground swimming pools; hot tubs; and nonportable spas.

§ 68-14-803. Each person, enterprise, agency or entity that sells swimming pools to the general public shall post in a prominent place a sign, at least six inches (6") high and fourteen inches (14") wide, that reads as follows:

STATE LAW REQUIRES A POOL ALARM BE INSTALLED.

§ 68-14-804. Each person, enterprise, agency or entity that purchases or acquires a swimming pool after the effective date of this act shall install a pool alarm before using or making available for use such swimming pool.

§ 68-14-805.

(a) It is an offense for any utility, as defined in § 55-8-162(d), person, firm, association or corporation to supply electricity or to knowingly permit electricity to be supplied to a swimming pool located at a residential dwelling unless a properly functioning swimming pool alarm has been installed.

(b)(1) No local government shall issue a building permit for the construction or substantial alteration of a swimming pool located at a residential dwelling unless the project calls for a functioning swimming pool alarm to be installed prior to the completion of the construction project.

(2) It is an offense for any person, firm, association or corporation to knowingly accept a building permit for a swimming pool located at a residential dwelling unless a functioning swimming pool alarm will be installed prior to the completion of the construction project.

§ 68-14-806. A violation of this part is a Class C misdemeanor, punishable by a fine only not to exceed one hundred dollars (\$100). Second and subsequent offenses shall be punishable by a fine only of not more than five hundred dollars (\$500).

§ 68-14-807. The provisions of this part shall not apply to public swimming pools or multi-family residential housing swimming pools, as defined in § 68-14-302.

SECTION 2. This act shall take effect January 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3019**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	29
Noes . . . . .	1

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Senators voting aye were: Barnes, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Woodson, Yager and Mr. Speaker Ramsey--29.

Senator voting no was: Kelsey--1.

A motion to reconsider was tabled.

**Senate Bill No. 3203** -- Bankruptcy -- As introduced, increases the aggregate amount that a debtor can claim for a personal property exemption from \$4,000 to \$10,000 and absolutely exempts money received as a result of a federal earned income credit and federal child tax credit. Amends TCA Title 26.

Senator Bunch declared Rule 13 on **Senate Bill No. 3203**.

Senator Barnes declared Rule 13 on **Senate Bill No. 3203**.

Senator Faulk declared Rule 13 on **Senate Bill No. 3203**.

Senator Overbey declared Rule 13 on **Senate Bill No. 3203**.

Senator Herron declared Rule 13 on **Senate Bill No. 3203**.

Senator Johnson declared Rule 13 on **Senate Bill No. 3203**.

On motion, Senate Bill No. 3203 was made to conform with **House Bill No. 3203**.

On motion, House Bill No. 3203, on same subject, was substituted for Senate Bill No. 3203.

Senator Beavers moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 2 in its entirety and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 26-2-111, is amended by deleting the word "and" at the end of subdivision (1)(E); adding the word "and" at the end of subdivision (1)(F) and by adding the following new subdivision (1)(G):

(G) An amount equal to any money received by the debtor as a result of a federal earned income credit or a federal child tax credit;

On motion, Amendment No. 1 was adopted.

Senator Berke moved for the previous question on **House Bill No. 3203**, as amended, which motion prevailed.

Thereupon, **House Bill No. 3203**, as amended, passed its third and final consideration by the following vote:



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Ayes . . . . . 23  
Noes . . . . . 6  
Present, not voting . . . 2

Senators voting aye were: Barnes, Berke, Bunch, Burks, Crowe, Faulk, Finney, Ford, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kyle, Marrero, Overbey, Southerland, Stewart, Tate, Watson, Woodson and Mr. Speaker Ramsey--23.

Senators voting no were: Beavers, Burchett, Gresham, Kelsey, McNally and Tracy--6.

Senators present and not voting were: Black and Norris--2.

A motion to reconsider was tabled.

**MOTION**

Senator Gresham moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 2505** on the calendar for the Committee on Education for Monday, March 22, 2010, which motion prevailed.

**MOTION**

Senator Crowe moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 3185** on the calendar for the Committee on General Welfare, Health and Human Resources for Wednesday, March 24, 2010, which motion prevailed.

**RECALL OF BILL**

On motion of Senator McNally, **Senate Bill No. 1978** was recalled from the Committee on Finance, Ways and Means.

**REFERRAL OF BILL**

Senator McNally moved that Senate Bill No. 1978 be rereferred to the Committee on State and Local Government, which motion prevailed.

**NOTICE**

**MESSAGE FROM THE HOUSE**

March 18, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3295, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MOTION**

On motion of Senator Finney, his name was added as sponsor of **House Joint Resolution No. 886**.

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On motion of Senator Gresham, her name was added as sponsor of **House Joint Resolutions Nos. 887 and 888**.

On motion of Senators Norris, Finney and Herron, their names were added as sponsors of **House Joint Resolution No. 892**.

On motion of Mr. Speaker Ramsey, his name was added as sponsor of **House Joint Resolution No. 893**.

On motion of Senators Berke, Watson and Yager, their names were added as sponsors of **House Joint Resolution No. 894**.

On motion of Senator Marrero, her name was added as sponsor of **Senate Bills Nos. 2550 and 3854**.

On motion of Senators Black and Crowe, their names were added as sponsors of **House Joint Resolution No. 752**.

On motion of Senator Ford, her name was added as sponsor of **Senate Bills Nos. 2180 and 3203**.

On motion of Senator Yager, his name was added as sponsor of **Senate Bill No. 2894; and House Joint Resolution No. 889**.

On motion of Senator Harper, her name was added as sponsor of **Senate Bill No. 3671**.

On motion of Senators Marrero, Henry, Ford, Haynes, Barnes, Berke, Jackson, Herron, Finney, Kyle, Stewart, Tate and Harper, their names were added as sponsors of **Senate Bill No. 3019**.

On motion of Senator Tracy, his name was added as sponsor of **Senate Bill No. 942; and Senate Resolution No. 200**.

On motion of Senator Tracy, his name was removed as sponsor of **Senate Bill No. 952**.

On motion of Senator Black, her name was added as sponsor of **Senate Bills Nos. 401 and 3431**.

On motion of Senators Burchett, Henry, Tate and Marrero, their names were added as sponsors of **Senate Bill No. 555**.

On motion of Senator Johnson, his name was added as prime sponsor of **Senate Bill No. 3645**.

On motion of Senator Marrero, her name was added as prime sponsor of **Senate Bill No. 1472**.

On motion of Senator Henry, his name was removed as sponsor of **Senate Bill No. 1472**.

On motion of Senator Stewart, his name was added as prime sponsor of **Senate Joint Resolution No. 874**.

On motion of Senator Bunch, his name was removed as sponsor of **Senate Bill No. 3780**.

On motion of Senators McNally, Berke and Tracy, their names were added as sponsors of **Senate Joint Resolution No. 874**.

**THURSDAY, MARCH 18, 2010 -- 70TH LEGISLATIVE DAY**

**ENGROSSED BILLS**

March 18, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2493, 2550, 2894, 2975, 3019, 3474, 3666, 3671, 3854 and 3871; and Senate Joint Resolutions Nos. 863 and 864; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

March 18, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2603, 2605, 2616, 2617, 2619 and 3291; passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 18, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 907, 908, 909 and 910; adopted, for the Senate's action.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 18, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2426, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 18, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2466, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 18, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848 and 849; concurred in by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**THURSDAY, MARCH 18, 2010 -- 70TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

March 18, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 865, concurred in by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**ENROLLED BILLS**

March 18, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 2426 and 2466, and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

March 18, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848 and 849; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

March 18, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 865, and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

March 18, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolution No. 200, and find same correctly enrolled and ready for the signature of the Speaker.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**THURSDAY, MARCH 18, 2010 -- 70TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

March 18, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2216 and 3033, for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 18, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2760, 2769, 2823 and 3793; for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 18, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 886, 887, 888, 889, 891, 892, 893 and 894; for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**SIGNED**

March 18, 2010

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848 and 849.

**SIGNED**

March 18, 2010

The Speaker announced that he had signed the following: Senate Joint Resolution No. 865.

**SIGNED**

March 18, 2010

The Speaker announced that he had signed the following: Senate Resolution No. 200.

**SIGNED**

March 18, 2010

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 886, 887, 888, 889, 891, 892, 893 and 894.

**MESSAGE FROM THE HOUSE**

March 18, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2410, 2420, 2422, 2423, 2435, 2437, 2438, 2439, 2442, 2446, 2448, 2450, 2452, 2454, 2460, 2470, 2501, 2556, 2803, 2836, 2950, 2952, 2953, 2954, 3130, 3131, 3512, 3553, 3713 and 3840; signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 18, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848 and 849; signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 18, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 865, signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

March 18, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848 and 849; for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

March 18, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolution No. 865, for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**THURSDAY, MARCH 18, 2010 -- 70TH LEGISLATIVE DAY**

**REPORT OF CHIEF ENGROSSING CLERK**

March 19, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 2410, 2420, 2422, 2423, 2435, 2437, 2438, 2439, 2442, 2446, 2448, 2450, 2452, 2454 and 2460; for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 22, 2010: Senate Joint Resolutions Nos. 866, 867, 868, 869 and 870; Senate Resolution No. 205; and House Joint Resolutions Nos. 897, 898, 899, 900, 901, 902, 903 and 904.

This the 17th day of March, 2010.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 22, 2010: Senate Bills Nos. 2468, 2469, 2581, 2743, 2945, 3002, 3013, 3083 and 3162; Senate Joint Resolutions Nos. 56, 831, 836 and 850; and House Joint Resolutions Nos. 861 and 870.

This the 18th day of March, 2010.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 22, 2010: Senate Joint Resolution No. 763; Senate Resolution No. 204; Senate Bills Nos. 223, 2474, 2580, 2608, 2796, 2928, 2951, 3087, 3161, 3204, 3817, 3865, 3894 and 2403; and House Joint Resolution No. 752.

This the 18th day of March, 2010.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
SENATE MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Monday, March 22, 2010: Senate Bills Nos. 3295, 3522 and 3877; and House Bill No. 219.

This the 18th day of March, 2010.  
MIKE FAULK, Chairperson.

**THURSDAY, MARCH 18, 2010 -- 70TH LEGISLATIVE DAY**

**ADJOURNMENT**

Senator Norris moved the Senate adjourn until 5:00 p.m., Monday, March 22, 2010, which motion prevailed.